

No. 9/2/87-6Lab./2282.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Mohan Spinning Mills, Rohtak.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT,
ROHTAK

Reference No. 45 of 1987

• between

SHRI KRISHAN CHAND, WORKMAN [AND THE MANAGEMENT OF MESSRS
MOHAN SPINNING MILLS, ROHTAK

Present :

Petitioner in person.

Shri Jatender Kumar, A. R., for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute, between the workman Shri Krishan Chand and the management of M/s Mohan Spinning Mills, Rohtak, to this Court, for adjudication,—vide Haryana Government Gazette Notification No. 1555-10, dated 13th January, 1987:—

Whether services of Shri Krishan Chand were terminated or he has lost lien by absenting himself? To what relief is he entitled on the decision of this issue?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that he was employed with the respondent as a worker since 21st November, 1980 on monthly wages of Rs. 510 and that the respondent choose to terminate his services unlawfully on 17th June, 1986 in flagrant disregard of the provisions of the Industrial Disputes Act, 1947.

3. In pursuance of the notice given, the respondent appeared and before a reply could be filed, happily, a settlement was arrived at, whereunder the respondent agreed to pay gratuity amount to the petitioner on or before 14th April, 1987. His date of appointment with the respondent is the month of November, 1980. The petitioner has made a statement that he does not want to prosecute this reference. The same is answered and returned accordingly with no order as to cost.

Dated the 24th March, 1987.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endst. No. 45/87/823, dated the 9th April, 1987

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

No. 9/2/87-6Lab./2283.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Mohan Spinning Mills, Rohtak:—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 51 of 1987

between

SHRI RAJINDER, WORKMAN AND THE MANAGEMENT OF M/S MOHAN SPINNING MILLS,
ROHTAK

Present :

Petitioner in person.

Shri Jitender Kumar, A.R., for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Shri Rajinder and the management of M/s. Mohan Spinning Mills, Rohtak, to this Court, for adjudication,—*vide* Haryana Government Gazette Notification No. Rohtak/113-146/86/1463-68, dated 13th January, 1987:—

Whether services of Shri Rajinder were terminated or he has lost his lien by absenting himself ?
To what relief is he entitled on the decision of this issue ?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that he was employed with the respondent as a Karigar since 21st June, 1980 on monthly wages of Rs 550 and that the respondent choose to terminate his services unlawfully on 14th June, 1986 in flagrant disregard of the provisions of the Industrial Disputes Act, 1947.

3. In pursuance of the notice given, the respondent appeared and before a reply could be filed, happily, a settlement was arrived at, whereunder the respondent has agreed to pay gratuity amount to the petitioner on or before 14th April, 1987. His date of appointment with the respondent is the month of June, 1980. The petitioner has made a statement that he does not want to prosecute this reference. The same is answered and returned accordingly with no order as to cost.

B. P. JINDAL,

Dated the 24th March, 1987.

Presiding Officer,
Labour Court, Rohtak.

Endorsement No. 51/87/829, dated the 9th April, 1987

Forwarded (four copies), to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

No. 9/3/87-6Lab./2328.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Rawal Industries (P) Ltd., Jhajjar Road, Bahadurgarh.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT,
ROHTAK

Reference No. 81 of 1986

between

SHRIMATI SURESH DEVI, APPLICANT AND THE MANAGEMENT OF M/S
RAWAL INDUSTRIES (P) LTD., JHAJJAR ROAD, BAHADURGARH

Shri R. S. Yadav, A. R., for the workman.

Shri Rajinder Singh, Director of the respondent.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute, between the workman Shrimati Suresh Devi and the management of M/s. Rawal Industries (P) Ltd, Jhajjar Road, Bahadurgarh, to this Court, for adjudication, —*vide* Haryana Government Gazette Notification No. 22130-35, dated 30th June, 1986 :—

Whether the termination of services of Shrimati Suresh Devi was justified and in order ? If not, to what relief is he entitled ?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared, the case of the petitioner is that he was employed with the respondent as a Assistant Supervisor for the last about two years and two months on monthly wages of Rs. 455.50 and that the respondent choose to terminate his services on 3rd December, 1985 orally without giving any charge-sheet and written notice and in flagrant disregard of the provisions of the Industrial Disputes Act, 1947. So, he has prayed for reinstatement with continuity of service and full back wages.

3. In the reply filed by the respondent, various pleas have been taken, which need not be detailed, because this reference is being answered on grounds other than merits.

4. On the pleadings of the parties, the following issues were settled for decision by me on 12th September, 1986:—

- (1) Whether the respondent has not been correctly arrayed in the reference ? If so, to what effect ?
- (2) Whether the reference is bad in law ?
- (3) As per terms of reference.

5. Before any evidence could be recorded, happily a settlement was arrived at, whereunder the respondent has paid a sum of Rs. 3000 in full and final satisfaction of his claim. A receipt executed by the petitioner in that behalf, has been attested by me today and returned to the respondent for record. So, now, nothing survives for adjudication. The reference is answered and returned accordingly with no order as to cost.

Dated, the 11th March, 1987.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak,
(Camp Court, Bahadurgarh).

Endorsement No. 81-86/579, dated the 24th March, 1987.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak,
(Camp Court Bahadurgarh).

No. 9/3/87-6Lab./2332.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Rawal Industries, Bahadurgarh :—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT,
ROHTAK

Reference No. 123 of 1986

between

SHRI SUKHBIR, WORKMAN AND THE MANAGEMENT OF M/S RAWAL
INDUSTRIES, BAHADURGARH.

Present :

Shri R. S. Yadav, A. R. for the Workman.

Shri Rajinder Singh, Director of the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute between the workman Shri Sukhbir and the management of M/s Rawal Industries, Bahadurgarh, to this Court for adjudication,—vide Haryana Government Gazette notification No. 31835-40, dated 21st September, 1986 :—

Whether the termination of services of Shri Sukhbir is justified and in order ? If not, to what relief is he entitled ?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. Petitioner's case is that he was employed with the respondent as a Helper for the last about two years five months on monthly wages of about Rs. 445 and that the respondent terminated his services on 12th March, 1986 on the ground of non-availability of raw material though the respondent is still on rails and as such, unlawfully terminated his services in flagrant disregard of the provisions of the Industrial Disputes Act, 1947.

3. In pursuance of the notice given, the respondent appeared and before it could file a reply, happily, a settlement was arrived at whereunder the petitioner has been paid a sum of Rs. 400 in full and final satisfaction of his claim. A receipt executed by the petitioner in that behalf, has been attested by me today and returned to the respondent for record. So, now, nothing services for adjudication. The reference is answered and returned accordingly with no order as to cost.

Dated the 11th March, 1987.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,
(Camp Court, Bahadurgarh.)

Endorsement No. 123-86/583, dated the 24th March, 1987.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,
(Camp Court, Bahadurgarh.)

No. 9/3/87-6Lab./2333.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of Director, Social Education, Haryana, 30 Bays Building, Sector-17, Chandigarh :—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Complaint No. 1 of 1986

between

SHRI KRISHAN KUMAR, PETITIONER AND THE MANAGEMENT OF M/S DIRECTOR,
SCHOOL, EDUCATION, HARYANA, 30 BAYS BUILDING, SECTOR-17,
CHANDIGARH

Petitioner in person.

PRESENT Mann, A. R. for the management.

AWARD

1. Through this order, I propose to dispose of a complaint filed by the petitioner under section 33-A of the Industrial Disputes Act, 1947, in which, he has alleged that the employer changed the service conditions of the petitioner during the pendency of application number 61 and 80 of 1983 before the Conciliation Officer. Various other pleas have been put forth, which need not be detailed, because in another application under sub-section (2) of section 33-C of the Industrial Disputes Act, 1947, bearing number 51 of 86 disposed of by an order of even date, it has been held by this Court that the Teacher is not a "workman" as defined in section 2 (s) of the Industrial Disputes Act, 1947. So, the very *locus standi* of the petitioner to move the present petition under section 33-A of the Industrial Disputes Act, 1947 is not there. So, this petition too is dismissed for want of jurisdiction.

Dated the 3rd March, 1987.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endorsement No. 1-86/584, dated the 24th March, 1987.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

No. 9/3/87-6Lab./2334.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s (i) Haryana Agro Industries Corporation Ltd., S.C.O. No. 825-26, Sector 22-A, Chandigarh; (ii) Haryana Agro Industries Corporation Ltd., Rohtak:—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT,
ROHTAK

Reference No. 96 of 1983

between

SHRI MAHENDER SINGH, WORKMAN AND THE MANAGEMENT OF M/S (i) HARYANA
AGRO INDUSTRIES CORPORATION LTD., S.C.O. NO. 825-26, SECTOR 22-A,
CHANDIGARH; (ii) HARYANA AGRO INDUSTRIES CORPORATION LTD.,
ROHTAK

Present:

Petitioner in person.

Shri Rajinder Pal Aggarwal, A.R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following industrial dispute between the workman Shri Mahender Singh and the management of M/s (i) Haryana Agro Industries Corporation Ltd., S.C.O. No. 825-26, Sector 22-A, Chandigarh; (ii) Haryana Agro Industries Corporation Ltd., Rohtak, to this Court, for adjudication,—vide Haryana Government Gazette notification No. 25446—51, dated 13th June, 1985 :—

Whether the termination of services of Shri Mahender Singh is justified and in order ? If not, to what relief is he entitled ?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that he was employed with the respondent as a Helper on 21st June, 1979 and thereafter his services were terminated unlawfully on 1st August, 1980 against which, he moved the Labour Court for adjudication and was reinstated with full back wages and continuity in service,—*vide* award, dated 6th January, 1982 but again terminated his services,—*vide* order dated 10th January, 1983. He has challenged the order being illegal and unlawful and has prayed for reinstatement with continuity of service and full back wages.

3. In the reply filed by the respondent, the claim of the workman has been controverted *in toto*. Pleas taken need not be detailed, because this reference is being answered on grounds other than merits.

4. On the pleadings of the parties, the following issues were framed by me on 6th March, 1986:—

(1) As per term of reference.

(2) Whether the petitioner remained gainfully employed after his alleged termination? OPR.

5. After the petitioner's statement had been recorded and the case was fixed for evidence of the respondent happily a settlement was arrived at, whereunder the respondent has agreed to reinstate the workman with continuity of service but regular appointment from today and 50% wages for back period. In terms of this settlement, statements of the petitioner and that of Shri Rajinder Pal Aggarwal have been recorded. So, now, nothing survives for adjudication. The reference is answered and returned accordingly with no order as to cost.

Dated the 5th March, 1987.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endst. No. 96-85/585, dated 24th March, 1987.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

No. 9/3/87-6Lab./2335.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Adampur Co-operative Agriculture Development Bank Ltd., Mandi Adampur.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 136 of 1986

between

SHRI BHAL SINGH, WORKMAN AND THE MANAGEMENT OF M/S ADAMPUR
CO-OPERATIVE AGRICULTURE DEVELOPMENT BANK LTD., MANDI
ADAMPUR.

Present :—

Shri T. C. Gupta, A. R. for the workman.
Shri R. S. Saini, A. R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute, between the workman Shri Bhal Singh, and the management of M/s Adampur Co-operative Agriculture Development Bank Ltd., Mandi Adampur, to this Court, for adjudication,—*vide* Haryana Government Gazette Notification No. 32846—50, dated 8th September, 1986:—

Whether the termination of services of Shri Bhal Singh is justified and in order; if not, to what relief is he entitled ?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that he was employed with the respondent as a Sewadar since 23rd October, 1984 but the respondent choose to terminate his services unlawfully on 20th June, 1986 in flagrant disregard of the provisions of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent, the claim of the workman has been controverted *in toto*. Pleas taken need not be detailed, because this reference is being answered on grounds other than merits.

4. Today, the learned Authorised Representative of the petitioner Shri T. C. Gupta made a statement that the petitioner does not want to prosecute this reference. The same is answered and returned accordingly with no order as to cost.

B. P. JINDAL,

Dated, the 4th March, 1987.

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Hissar.

Endorsement No. 136-86/586, dated the 24th March, 1987.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Hissar.

No. 9/3/87-6Lab./2336.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Churamani-Vaishnudevi Maternity Hospital, Hissar: —

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT,
ROHTAK

Reference No. 110 of 1986

between

SHRI DAVID, WORKMAN AND THE MANAGEMENT OF M/S CHURAMANI-VAISHNUDEVI
MATERNITY HOSPITAL, HISSAR

Present :—

Petitioner in person.

Shri N. K. Jain for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of the Industrial Disputes Act, 1947, the Governor of Haryana, referred following disputes, between the workman Shri David and the management of M/s. Charamani Vaishnudevi Maternity Hospital, Hissar, to this Court, for adjudication,—*vide* Haryana Government Gazette notification No. 27913-17, dated 4th August, 1986:—

Whether the termination of services of Shri David is justified and in order? If not, to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The claim of the petitioner is that he was appointed as a Chowkidar with the respondent on 6th October, 1985 and that his services were terminated unlawfully without complying with the provisions of section 25 F of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent, various pleas have been taken, which need not be detailed, because this reference is being answered on grounds other than merits.

4. On the pleadings of the parties, the following issues were settled for decision by me on 16th January, 1987:—

- (1) Whether the respondent is not an industry as defined in Section 2 (j) of the I. D. Act, 1947?
- (2) Whether the reference is bad in law? OPR.
- (3) As per terms of reference.

5. Before any evidence could be adduced by the parties, the petitioner made a statement in the Court that he has settled his claim with the respondent after receiving a sum of Rs. 360 in full and final satisfaction of his claim. So, nothing services for adjudication. The reference is answered and returned accordingly with no order as to cost.

Dated, the 4th March, 1987.

B. P. JINDAL.

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Hissar.

Endst. No. 110-86/586, dated 24th March, 1987.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Hissar.

The 6th May, 1987

No. 9/1/87-6Lab./2543.—In pursuance of the provision of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s T. C. Jain. Metal Industries Pvt. Limited, Yamuna Nagar:—

IN THE COURT OF SHRI V.P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Reference No. 182 of 1986

SHRI ISHWAR CHAND, S/O SHRI MANGU RAM C/O DR. SURINDER SHARMA,
INTUC OFFICE, RAILWAY ROAD, JAGADHRI AND THE MANAGEMENT OF THE
MESSRS T. C. JAIN, METAL INDUSTRIES PVT. LTD., YAMUNA NAGAR

Present :

Shri Surinder Sharma, for workman.

Shri S. Bindra, for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—vide clause (C) of sub-section (i) of section 10 of Industrial Disputes Act, 1947 referred dispute between Shri Ishwar Chand and T. C. Jain Metal Industries, Yamuna Nagar to this Court. The terms of the reference are as under:—

"Whether termination of services of Shri Ishwar Chand, workman, is just and correct, if not, to what relief is he entitled?"

Workman alleged that he joined service of respondent as a Laithman and worked as such continuously for two years. Thereafter on 16th May, 1986 his services were terminated by the respondent-management in violation of provisions of section 25 (1) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent-management contested the dispute and contended that workman joined establishment of the respondent on 14th August, 1984 as a casual daily rated worker. He started absenting himself w. e. f. 18th May, 1986 and joined other establishment. Services of the workman were never terminated in fact a letter was written to the workman on 31st July, 1986 asking him to resume duty but he failed to appear and join the service of respondent-management. It was further urged that when the workman left the service of respondent a sum of Rs. 600/- was outstanding against him. He never completed service of 240 days in the employment of respondent-management. So he is not entitled to the relief claimed for.

Workman filed republication through which he controverted the contentions of the respondent-management.

On the pleadings of the parties, issues were framed. Case was fixed for workman, evidence. During the pendency of trial of this dispute parties reached at an amicable settlement, Ishwar Chand workman made statement that he has compromised his dispute with the management and no longer wants to proceed with this reference. In view of statement of the workman the dispute of the parties stands settled as compromised, so I pass award on the basis of this compromise accordingly.

Dated, the 11th February, 1987.

V. P. CHAUDHARY,

Presiding Officer,

Labour Court, Ambala.

Endst. No. 324, dated 11th February, 1987.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,

Labour Court, Ambala.

No. 9/1/87-6Lab./2544.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workmen and the management of M/s Executive Engineer, Sub Urban 'OP' Division HSEB Jagadhri, near Waryam Singh Hospital :—

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 285 of 1984

Old No 163 of 1983

SHRI KAILASH CHAND C/O SHRI BALBIR SINGH, H. NO. 135-A, MODEL TOWN,
YAMUNA NAGAR AND THE MANAGEMENT OF THE MESSRS EXECUTIVE
ENGINEER SUB URBAN 'OP' DIVISION HSEB JAGADHRI, NEAR WARYAM
SINGH HOSPITAL

Present:—

Shri Kailash Chand, workman in person.

Shri S. Bindra for the respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—vide clause (C) of sub-section (i) of section 10 of Industrial Disputes Act, 1947 referred dispute between Shri Kailash Chand and Messrs H.S.E.B. etc., originally to Labour Court Faridabad. The terms of the reference are as under :

“Whether termination of services of Shri Kailash Chand was justified and in order, if not, to what relief is he entitled?

On creation of Labour Court in April, 1984 at Ambala, so this reference was received by transfer.

Workman alleged that he joined service of respondent-management on 10th February, 1982 while his services were terminated on 23rd November, 1982 without issuing any notice to him, in violation of provisions of section 25 (F) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent-management contested the dispute and contended that the reference is bad for non-joinder of necessary and proper parties. Workman was employed as a Casual Labourer on daily wages and he used to get Rs. 12 per day. Workman worked in the employment of respondent-management only up to November, 1982 and thus he worked only for 223 days never completed 240 days, so question of violation of provisions of section 25 (F) of the Industrial Disputes Act, 1947 does not arise. Workman is not entitled to the relief claimed for.

Workman filed replication through which he refuted the contentions of the respondent-management.

On the pleadings of the parties issues were framed. Reference was pending for workman's evidence in the meantime parties reached at an amicable settlement. Shri Charan Dass, representative of the respondent-management made statement that respondent shall take the workman in service on the old terms and conditions of the service with the relief of continuity in service but no back wages shall be paid to him. This statement of Shri Charan Dass was accepted by Shri Kailash Chand, workman. He gave up his claim of back wages. In view of statement of the parties. I think that the dispute between the parties has been patched up on the basis of their mutual compromise, so, I pass award regarding the dispute between the parties accordingly.

Dated the 11th February, 1987.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Endst. No. 328, dated 11th February, 1987.

Forwarded (four copies) to the Financial Commissioner & Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

No. 9/1/87-6Lab./2545.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of Executive Engineer, Sub-Urban 'OP' Division, H.S.E.B., Jagadhri, near Waryam Singh Hospital:—

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT.
AMBALA

Reference No. 189 of 1984

Old No. 168 of 1983

between

SHRI DHANI RAM C/O SHRI BALBIR SINGH, H. NO. 135-A, 'MODEL TOWN, YAMUNA NAGAR AND THE MANAGEMENT OF EXECUTIVE ENGINEER, SUB-URBAN 'OP' DIVISION, H.S.E.B., JAGADHRI, NEAR WARYAM SINGH HOSPITAL

Present :

Shri Dhani Ram, workman in person.

Shri S. Bindra, for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of its powers conferred,—vide clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred dispute between Shri Dhani Ram, workman and the management of the H.S.E.B. etc., originally to Labour Court, Faridabad. The terms of the reference are as under :—

Whether the termination of services of Shri Dhani Ram, workman is justified and in order? If not, to what relief is he entitled ?

On constitution of Labour Court at Ambala in April, 1984, this year reference was received by transfer.

Workman through his demand notice alleged that he had been working in the employment of respondent-management since November, 1980. His services were terminated on 3rd December, 1982 in violation of provisions of section 25 (F) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent-management contested the dispute and contended that the reference is bad for non-joinder of necessary parties. It was also contended that workman was a daily wage. He remained in service of respondent-management until April, 1981 and then left the service of management in April, 1982 of his own. He again joined at Chhachhrauli Sub-Division in June, 1982 and left in November, 1982 due to non-availability of work, so it was contended that there is no question of workman being in continuous service of respondent-management and also there is no question of termination of services of workman in violation of provisions of section 25 (F) of Industrial Disputes Act, 1947.

On the pleadings of the parties the following issues were framed :—

Issues :—

1. Whether the termination of workman is justified and correct, if not, its effect?
2. Whether reference is bad for non-joinder of necessary parties.
3. Relief.

The reference was pending for respondent-management evidence, parties reached at an amicable settlement. It was agreed upon between the parties that respondent shall reinstate the workman with the relief of continuity in services without back wages. Accordingly, it was ordered that the respondent shall take the workman in service with the relief of continuity in service and without back wages, so I pass award regarding the dispute in hand as per the compromise between the parties accordingly.

Dated the 11th February, 1987.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Endst. No. 327, dated the 11th February, 1987.

Forwarded (four copies), to the Financial Commissioner & Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

No. 9/1/87-6Lab./2546.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of Executive Engineer, Sub-Urban 'OP' Division, H.S.E.B., Jagadhri near Waryam Singh Hospital:—

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 286 of 1984

between

SHRI CHHOTTAN LAL C/O SHRI BALBIR SINGH, H. NO. 135-A, MODEL TOWN, YAMUNA NAGAR AND THE MANAGEMENT OF THE EXECUTIVE ENGINEER, SUB-URBAN 'OP' DIVISION, H.S.E.B., JAGADHRI, NEAR WARYAM SINGH HOSPITAL.

Present :

Shri Chhottan Lal, for the workman.

Shri S. Bindra, for the respondent.

AWARD

- The Hon'ble Governor of Haryana in the exercise of the powers conferred,—*vide* clause (c) of sub-section (i) of section 10 of Industrial Disputes Act, 1947 referred dispute between Shri Chhottan Lal, workman and the Management of the H.S.E.B. etc., originally to the Labour Court, Faridabad. The terms of reference are as under :—

Whether termination of services of Shri Chhottan Lal, workman was justified and in order ?
If not, to what relief is he entitled ?

Labour court was created at Ambala in April, 1984 so this reference was received by transfer.

Workman alleged that he joined service of respondent-management at Jagadhri on 1st July, 1981. His services were dis-continued on 29th November, 1982 in violation of provisions of section 25 (F) of the Industrial Disputes Act, 1947. He has prayed for his reinstatement with continuity in service and with full back wages.

Respondent management contested the dispute and contended that reference is bad for non-joinder of proper and necessary parties. It was also contended that applicant joined as a daily wage in July, 1981 and worked as such up to October, 1981 thereafter, he left his job. He again appeared, joined the employment of respondent in February, 1982. Workman was discharged from the work in August, 1982 due to non-availability of the material. It was urged that workman never remained in continuous service of respondent-management and due to paucity of work his services were terminated. No person has been employed in his place so far. So he is not entitled to reinstatement as prayed for.

Workman filed replication through which he denied the contentions of the respondent-management.

On the pleadings of the parties issues were framed. The reference was posted for management evidence. Thereafter the management moved an application that *onus* of issue No. 1 has been wrongly placed on the management. It be shifted to workman. Thereafter this relief was granted to the management after hearing the parties. The reference was again fixed for management evidence. During the pendency of trial of this dispute parties reached at an amicable settlement. Shri Charan Dass, representative of the management assured that the workman shall be taken in the employment of the respondent with the relief of continuity in service but back wages was not be paid to him. This statement of Shri Charan Dass accepted by the workman. On the basis of the above compromise, I hereby order the reinstatement of the workman with continuity in service without back wages and pass award regarding the dispute in hand between the parties accordingly.

Dated the 11th February, 1987.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court,
Ambala.

Endst. No. 326, dated the 11th February, 1987.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court,
Ambala.

No. 9/1/87-6 Lab./2547.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of (i) Secretary, Haryana State Electricity Board, Chandigarh; (ii) Executive Engineer 'OP' H.S.E.B., Yamuna Nagar Road, Jagadhri :—

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER,
LABOUR COURT, AMBALA

Reference No. 98 of 1984

Misc. No. 17 of 1986

between

SHRI PHOOL SINGH, C/O SHRI SURINDER SHARMA, INTUC OFFICE, RLY. ROAD, JAGADHRI AND THE MANAGEMENT OF THE SECRETARY, HARYANA STATE ELECTRICITY BOARD, CHANDIGARH; (II) EXECUTIVE ENGINEER 'OP' H. S. E. B., YAMUNA NAGAR ROAD, JAGADHRI.

Present:

Shri Phool Singh, workman in person.
Shri Charan Dass, for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of its powers conferred,—vide clause (C) of sub-section (i) of section 10 of Industrial Disputes Act, 1947 referred dispute between Shri Phool Singh, workmen and Messrs H.S.E.B. etc. to this court. The terms of the reference are as under:

“Whether termination of services of Shri Phool Singh is justified and correct, if not, to what relief is he entitled?”

Workman alleged that he was employed in Jagadhri Division of respondent as a regular workman. He used to get pay after the end of every month and thus he served the respondent management continuously for three years. Thereafter his services were terminated by the respondent in violation of section 25 (F) of the Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent contested this reference and contended that the workman was employed on daily wages. He was not at all regular worker. In the month of November, 1982 workman started absenting from his duty and thereafter he never reported on duty. Thereafter his services automatically came to an end because he had wilfully abandoned his job.

On the pleadings of the parties issues were framed. Thereafter workman absented. His reference was dismissed in default which led to the present proceeding for restoration of the above mentioned reference. The workman alleged that due to mis-understanding of the date he could not appear on the date fixed and his reference was dismissed in default. Notice of this application was served upon the respondent management. It contested the application by contending that workman voluntarily absented from the Court. During the Pendency of proceedings of restoration of the reference parties reached at an amicable settlement. Statements of parties to this effect were recorded. Respondent management agreed to take the workman in service with the relief of continuity in service but without back wages. It was agreed by the workman himself. So workman is reinstated with the relief of continuity in service without back wages.

I pass award regarding the dispute in hand between the parties in view of the statements made by them accordingly.

Dated the 11th February, 1987.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Endorsement. No. 325, dated 11th February, 1987.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/1,87-6Lab/2555.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of M/s. Haryana, Urban Development Authority, Karnal :—

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT
AMBALA

Reference No. 127 of 1986

SHRI SHER SINGH, S/O SHRI MAM RAJ, VILLAGE PANAWARI P. O. JAMALPUR DISTRICT
KARNAL AND THE MANAGEMENT OF THE MESSRS HARYANA, URBAN
DEVELOPMENT AUTHORITY KARNAL

Present :—

Shri D. P. Pathak for workman.

None for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of its powers conferred,—*vide* clause (C) of sub-section (i) of section 10 of Industrial Disputes Act, 1947, referred dispute between Shri Sher Singh and Messrs H.U.D.A., Karbal to this Court. The terms of the reference are as under:—

“Whether termination of services of Shri Sher Singh, is just and correct, if not, to what relief is he entitled?”

Workman through his demand notice, dated 20th August, 1985 alleged that he joined service of respondent-management as a Sweeper in February, 1982 through Employment Exchange. He had been in the service of Haryana Urban Development Authority up to 20th January, 1984, thereafter, he was transferred to Municipal Committee, Karnal. Municipal Committee, Karnal provided work up to 6th August, 1985. Thereafter no work was provided by the Municipal Committee, Karnal to him. Workman approached the respondent again to provide him some work, but the respondent declined to give him any job. He has come to know from the reliable sources that some new sweeper has been employed in his place. So he alleged that his termination without issuing any notice and without making payment of any retrenchment compensation is violative to the provisions of section 25 (F) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent-Management was served. It appeared. The reference was fixed for filing of reply for 11th December, 1986 but on that day respondent absented. *ex parte* proceedings were taken up against it. In *ex parte* proceedings Shri Sher Singh examined himself. He stated that he joined service of respondent management on 19th January, 1982 as a Sweeper through Employment Exchange. He worked in the service of respondent from 10th April, 1982 to 6th July, 1985. On 7th July, 1985 he was removed from service without issuing any notice and without making payment of retrenchment compensation. He further stated that sweepers of Karnal formed an union. He joined that union. Due to that fact his services were terminated by the respondent-management.

In view of the above evidence I am of the considered opinion that respondent-management voluntarily withdraw from the contest of the dispute. From the statement of workman it is established that he remained in the service of respondent-management more than 240 days. On 7th July, 1985 his services were terminated without issuing any notice and without making payment of retrenchment compensation. This shows that respondent-management has violated the provisions of section 25 (F) of Industrial Disputes Act, 1947 while terminating the services of the workman a new sweeper has been employed in his place. So this shows that the termination order regarding the services of the workman is illegal and unjust. I order that workman be reinstated with continuity in service and with full back wages. I pass award regarding the dispute in hand accordingly.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Dated the 4th February, 1987.

Endst. No. 304, dated 10th February, 1987.

Forwarded (Four Copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the I.D. Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

The 1st April, 1987

No. 9/3/87-6Lab./1610.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Goel Industries Corporation, 14/5, Mathura Road, Faridabad.

IN THE COURT OF SHRI A. S. CHALIA, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 516 of 1985

between

SHRI HARVIR, WORKMAN AND THE RESPONDENT-MANAGEMENT
OF M/S GOEL INDUSTRIAL CORPORATION 14/5, MATHURA ROAD, FARIDABAD

Present:—

Shri S. C. Shrivastava, for the workman.
Shri R. C. Sharma, for the respondent management

AWARD

This reference under Section 10(1)(c) of the Industrial Disputes Act, 1947 (Act No. 14 of 1947) as amended from time to time and latest by Act No. 49 of 1984 (hereinafter referred as the said Act) was made to this Court by the State of Haryana (Department of Labour),—vide its endorsement No. ID/FD/176-85/36834-39, dated 9th September, 1985, to adjudicate upon the dispute of service matter covered by Second Schedule under section 7 of the said Act, arisen between Shri Harvir, workman and the respondent-management of M/s Goel Industrial Corporation 14/5, Mathura Road, Faridabad. Accordingly, it has been registered as reference No. 516 of 1985.

2. The claim of Harvir has been that he had been in the service of respondent for about 4 years as a helper @ Rs. 70 per week. The allegation are that he was not allowed to resume his duty on 20th June, 1985 since he had made a demand for the payment of minimum wages. The other allegation is that his wages for five weeks have also not been paid. Accordingly request has been made to reinstate him into his job with full back wages and continuity of service.

3. On notice, written Statement has been filed by the respondent and reference has been contested. It has been claimed that he had worked on daily wages for few days only in May, 1985 and in June, 1985 also and he was spared thereafter and his wages were properly paid. By way of rejoinder he repeated his claim as well as allegation also.

4. On the pleadings of the parties, my learned predecessor had framed the following issues on 3rd December, 1985:—

(i) As per reference?

5. From the side of respondent its office incharge has appeared, On the other hand there is statement of Harvir also. One Duman Singh has also been examined by him. I have heard the parties as represented above. My findings has been as follows: —

6. Issue No. 1—On one hand it has been claimed by Harvir that he had been in the service of the respondent for more than 4 years as a helper. While on the other hand the contention of the respondent is that this workman had worked with effect from 14th May, 1985 to 25th May, 1985 and with effect from 15th June, 1985 to 19th June, 1985 and his wages had been duly paid to him. It is so then this workman has hardly any case to succeed. He has not been able to produce on file any documentary evidence about his service period. On the other hand there is application Exhibit M-2 dated 12th May, 1985 and wages account dated 9th June, 1985 Exhibit M-1,—vide which he was paid the amount of Rs. 128 being wages of 8 days only of May, 1985. I am afraid that a worker having the service of even less than one month is hardly entitled for any protection and relief. He has never been in continuous service of the respondent of defined under Section 25-B of said Act and as such Section 25-F of the said Act is not at all attracted. This issue is accordingly decided in favour of the respondent and against the workman.

6. As a result of above discussion, I answer this reference against this workman who unfortunately not entitled for any relief.

A. S. CHALIA,

Dated the 12th February, 1987.

Presiding Officer,
Labour Court, Faridabad.

Endst. No. 232, dated, the 24th February, 1987.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

A. S. CHALIA,

Presiding Officer,
Labour Court, Faridabad.